

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

JOANN MARIE JENNINGS,

Civil No. 3:13-CV-05728-KLS

Plaintiff,

vs.

ORDER FOR REMAND

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

Based on the stipulation of the parties, it is ORDERED that the Commissioner's decision with regard to Plaintiff's application for a period of disability and disability insurance benefits under Title II of the Social Security Act be REVERSED and REMANDED to the Commissioner of Social Security for further administrative proceedings before an Administrative Law Judge (ALJ), a de novo hearing, and a new decision.

On remand, the Appeals Council will direct the ALJ to update the record and obtain updated treatment notes from John Hamill, M.D. 20 C.F.R. §404.1512 (2013). Based on the updated record, the ALJ will reconsider the severity of Plaintiff's headaches as a severe medically determinable impairment. 20 C.F.R. §§404.1508-404.1509. The ALJ then will weigh the opinions of medical sources and third parties, articulating the weight assigned those opinions and the reasons for that weight, and evaluate the credibility of Plaintiff's allegations. 20 C.F.R. §§404.1513(d), 404.1527, and 404.1529.

1 The ALJ will reassess Plaintiff's residual functional capacity as necessary. 20 C.F.R.
2 §404.1545; Social Security Ruling 96-8p, *available at* 1996 WL 374189. The Appeals
3 Council will direct the ALJ to obtain vocational expert evidence at steps four and five of
4 the sequential evaluation process. 20 C.F.R. §§404.1560 and 404.1566; Social Security
5 Ruling 96-7p, *available at* 1996 WL 374186.

6 This Court hereby reverses the Commissioner's decision under sentence four of 42
7 U.S.C. §405(g) with a remand of the case to the Commissioner for further proceedings. *See*
8 *Melkonyan v. Sullivan*, 501 U.S. 89 (1991). Plaintiff will be entitled to reasonable attorney fees
9 and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request
10 to this Court.

11 DATED this 13th day of March, 2014.

12
13 
14 Karen L. Strombom
15 United States Magistrate Judge

16 Presented by:

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